

110TH CONGRESS
2D SESSION

H. CON. RES. 283

Calling for a peaceful resolution to the current electoral crisis in Kenya.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 23, 2008

Mr. PAYNE submitted the following concurrent resolution; which was referred
to the Committee on Foreign Affairs

CONCURRENT RESOLUTION

Calling for a peaceful resolution to the current electoral
crisis in Kenya.

Whereas in 1991, President Daniel arap Moi agreed to move to multi-party politics, eight years after his government had amended the constitution to legalize one-party rule. The move to a multi-party state came after two years of an anti-government political campaign by opposition groups and persistent pressure by donor governments;

Whereas in 1992, Kenyans voted in record numbers in the country's first multi-party election in almost 26 years. President Moi defeated opposition candidates by a small margin. His party, the Kenya African National Union (KANU), won a majority in the 210-seat parliament, despite the defeat of several senior KANU officials by opposition candidates;

Whereas in 1997, Kenya held its second multi-party elections, at the height of tensions between the opposition and the ruling party. President Moi was re-elected with 40 percent of the votes cast, while his nearest rival, Mwai Kibaki, won 31 percent;

Whereas in 2002, the opposition succeeded in forming and holding together a coalition, known as NARC (National Rainbow Coalition), that ousted KANU from power by wide margins. NARC won 132 seats in parliament, compared with KANU's 67, while Kibaki defeated Uhuru Kenyatta, son of Jomo Kenyatta, for the presidency with a 62 percent majority;

Whereas the 2002 had a positive impact in Kenya as well as in Africa generally. The smooth transfer of power and the transparency in the conduct of the elections indicated that democracy can flourish in Africa. The power of incumbency and the entrenched clout of a ruling party did not stop an opposition victory in Kenya;

Whereas Kenya has been a valuable U.S. ally since independence, providing the United States with access to its military facilities and political support in the United Nations. Washington once considered Kenya a model developing country with shared democratic values in a continent where civil wars raged and military and authoritarian governments reigned;

Whereas Kenya has been an important ally in the war against terrorism, especially since the U.S. embassy bombings in Kenya and Tanzania in 1998. Kenya has been one of the major recipients of U.S. foreign assistance in Sub-Saharan Africa for decades, and is an important trading partner with the United States;

Whereas on December 27, 2007, the citizens of Kenya went peacefully to the polls to elect a new parliament and a new President and signaled their commitment to democracy by turning out in large numbers and, in some instances, waiting in long lines to vote;

Whereas on December 29, 2007, the opposition presidential candidate, Raila Odinga, was reportedly over 300,000 votes ahead of the incumbent with 90 percent of the precincts reporting;

Whereas on December 30, 2007, the head of the Electoral Commission of Kenya (ECK) declared that Mwai Kibaki won the presidential election by 197,000 votes;

Whereas Mr. Kibaki was sworn in as President within an hour of the announcement of the election results, despite serious concerns raised about the legitimacy of the election results by domestic and international observers;

Whereas the lack of transparency in vote tallying, serious irregularities reported by election observers, the implausibility of the margin of victory, and the swearing in of the Party of National Unity presidential candidate with undue haste, all serve to undermine the credibility of the presidential election results;

Whereas the Government of Kenya imposed a ban on live media that day, and shortly after the election results were announced, in contravention of Kenyan law, the Government also announced a blanket ban on public assembly and gave police the authority to use lethal force;

Whereas on January 1, 2008, four commissioners on the ECK issued a statement which called into question the election results announced by the Commission and for a judicial review;

Whereas the head of the European Union Election Observation Mission stated that “Lack of transparency as well as a number of verified irregularities . . . cast doubt on the accuracy of the results of the presidential election as announced by the ECK” and called for an international audit of the results;

Whereas observers from the East African Community have called for an investigation into irregularities during the tallying process and for those responsible for such irregularities to be held accountable;

Whereas more than 700 people have died and an estimated 250,000 have been displaced as a result of the violence;

Whereas the instability in Kenya is not rooted in tribal violence but in a struggle for democracy and concerns that the gains of the past decade may be lost;

Whereas the Assistant Secretary of State for African Affairs has stated that “serious flaws in the vote tallying process damaged the credibility of the process” and that the United States should not “conduct business as usual” in Kenya; and

Whereas the political instability in Kenya could have serious political, economic, and security implications for the entire region: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
 2 *concurring)*, That the Congress—

3 (1) commends the Kenyan people for their com-
 4 mitment to democracy and respect for the demo-
 5 cratic process as evidenced by the high voter turnout
 6 and peaceful voting on election day;

1 (2) strongly condemns the ongoing violence in
2 Kenya and urges all parties concerned to imme-
3 diately end use of violence as a means to achieve
4 their political objectives;

5 (3) calls for a peaceful, negotiated settlement of
6 the conflict in Kenya;

7 (4) calls on the two leading presidential can-
8 didates to accept offers of external and internal as-
9 sistance to help find a solution to the current crisis
10 which has the support of the people of Kenya;

11 (5) calls on Kenyan security forces to refrain
12 from use of excessive force and respect the human
13 rights of Kenyan citizens;

14 (6) calls for those who are found guilty of com-
15 mitting human rights violations to be held account-
16 able for their actions;

17 (7) calls for an immediate end to the restric-
18 tions on the media, and on the rights of peaceful as-
19 sembly and association;

20 (8) condemns threats to civil society groups,
21 journalists, religious leaders, human rights activists,
22 who are making every effort towards a peaceful,
23 just, and equitable political solution to the current
24 electoral crisis;

1 (9) calls on the international community,
2 United Nations aid organizations, and all neigh-
3 boring countries to provide assistance to those af-
4 fected by violence and encourages to use all the dip-
5 lomatic means at their disposal to persuade relevant
6 political actors to commit to a peaceful resolution to
7 the current crisis; and

8 (10) urges the President of the United States
9 to—

10 (A) support diplomatic efforts to facilitate
11 a dialogue between leaders of the Party of Na-
12 tional Unity, the Orange Democratic Movement,
13 and other relevant actors;

14 (B) consider the imposition of targeted
15 sanctions, including a travel ban and asset
16 freeze, on leaders in the Party of National
17 Unity, the Orange Democratic Movement, and
18 other relevant actors who refuse to engage in
19 meaningful dialogue to end the current crisis;
20 and

21 (C) conduct a review of current U.S. aid to
22 Kenya for the purposes of restricting all non-
23 humanitarian assistance to Kenya unless the
24 parties are able to establish a peaceful political

- 1 resolution to the current crisis which is credible
- 2 to the Kenyan people.

